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NOTIFICATION.

No. RDS 18 FSD 62, dated Bangalore, 31st December 1961 (Pushya 10, Saka Era 1884).

In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with order of the Government of India in the Ministry of Food and Agriculture (Department of Food) No. G.S.R. 888, dated the 28th June 1961 and with the prior concurrence of the Central Government the Government of Mysore hereby makes the following order, namely :—

1. **Title, Extent and commencement.**—(1) This Order may be called the Mysore Sugar Dealers Licensing Order, 1962.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. **Definitions.**—In this order, unless the context otherwise requires,

(*a*) "dealer" means a person engaged in the business of purchase, sale or storage for sale of sugar in quantities exceeding 50 quintals at any one time, but does not include an industrial undertaking which is engaged in the manufacture or production of sugar and which is registered or licensed under the Industries (Development and Regulation) Act, 1951 ;

(*b*) "form" means a form set forth in the Schedule to this Order ;

(*c*) "licensing authority" means the Deputy Commissioner of the District or such other Officer as may be appointed by the State Government to exercise the powers and perform the duties of the licensing authority under this order ;

(*d*) "State Government" means the Government of the State of Mysore;

(*e*) "sugar" means any form of sugar, including khandsari Sugar containing more than 90 per cent of sucrose.

3. **Licensing of Dealers.**—(1) No person shall carry on business on or after 20th January 1963, as a dealer except under and in accordance with the terms and conditions of a Licence issued in this behalf by the licensing authority ;

(2) A separate licence shall be necessary for each place of business ;

(3) For the purpose of this clause, any person who stores sugar in any quantity exceeding 50 quintals at any one time shall, unless the contrary is proved be deemed to store the sugar for the purpose of sale.

4. Issue of Licence.—(1) Every application for a licence or renewal thereof shall be made to the licensing authority in form 'A'.

(2) Every licence issued or renewed under this order shall be in Form 'B' and shall be subject to the conditions specified therein.

5. Period of Licence and fees chargeable.—(1) Every licence issued under this order shall be valid from the date of issue to the 31st December 1963 and may thereafter be renewed for a further period of one year at a time.

(2) The fees specified below shall be chargeable in respect of each licence, namely :—

			Rs.
For issue of licence	...	...	5
For renewal of licence	...	...	2
For issue of a duplicate	...	...	10

6. Power to refuse Licence.—The licensing authority may after giving the dealer concerned an opportunity of stating his case in writing and for reasons to be recorded in writing, refuse to grant or renew a licence.

7. Contravention of conditions of Licence.—No holder of a licence issued under this order shall contravene any of the terms or conditions of the licence and if any such holder contravenes any of the said terms or conditions, then, without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order, in writing, of the licensing authority :

Provided that no order shall be made under this clause unless the licensee has been given an opportunity of stating his case in writing against the proposed cancellation or suspension.

8. Appeal.—(1) Any person aggrieved by any order of the licensing authority refusing to issue or renew licence or cancelling or suspending a licence under the provisions of this order may appeal to the State Government within 30 days from the date of receipt by him of such order.

(2) No order shall be passed in oppeal unless the aggrieved person has been given an opportunity of stating his case in writing.

8. Powers of entry, search, seizure etc.—(1) The licensing authority or any other officer authorised by the State Government in this behalf may, with such assistance, if any, as he thinks fit—

(*a*) require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed to produce any books, accounts or other documents showing transactions relating to such contraventions;

(*b*) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder, has been, is being, or is about to be committed;

(*c*) take or cause to be taken, extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him;

(*d*) search, seize, and remove stocks of sugar and the animals, vehicles, vessels, or other conveyance used in carrying the said sugar in contravention of the provisions of this order, or of the conditions of the licences issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of sugar and the animals, vehicles, vessels or other conveyances so seized, in a court and for their safe custody pending such production.

(2) The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

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SCHEDULE

FORM-A

[*See* Clause 4(1)]

The Mysore Sugar Dealers Licensing Order, 1962.

APPLICATION FOR LICENCE

1. Applicant's name ...
2. Applicant's profession ...
3. Applicant's residence ...
4. Situation of applicant's place or places of business with particulars as to number of house, mohalla, town, or village, police Station and District.
5. How long the applicant has been trading in sugar.
6. Did the applicant hold a sugar licence on any previous occasion (if so, give particulars including its suspension or cancellation, if any).
7. Quantities of sugar handled annually during the last three years.
8. Income-tax paid in the two years preceding the year of application (to be indicated separately)

   1.....

   2..... .....

9. Quantity of sugar in the possession of the applicant on the date of application and the places at which the different quantities are kept.

I declare that the quantities of sugar specified above are in my possession this day and are held at the places noted against them.

I have carefully read the conditions of licence given in Form B appended to the Mysore Sugar Dealers' Licensing Order, 1962, and I agree to abide by them.

*(*a*) I have not priviously applied for a licence in this district under this order ;

(*b*) I applied for such licence in this district for on and was/was not granted a licence on

*(*c*) I hereby apply for renewal of licence No.....dated..... issued to me on.

*Strike off the clauses not applicable.

Place..... .... Signature of the applicant.

Date.....

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FORM 'B'

[*See Clause 4 (2)*]

The Mysore Sugar Dealers' Licensing Order, 1962,

Licence for purchases, sale or storage of sugar for sale.
Licence No.....

1. Subject to the provisions of the Mysore Sugar Dealers Licensing Order, 1962, and to the terms and conditions of this Licence.....is/are hereby authorised to purchase, sell or store sugar for sale.

2. The licensee shall carry on the aforesaid business at the following place :—

3 (*i*) The Licensee shall maintain a register of daily accounts for sugar showing correctly—

(*a*) the opening stock on each day ;
(*b*) the qunatities received on each day showing the place from where and the source from which received ;
(*c*) the quantities delivered or otherwise removed on each day showing the places of destination ; and
(*d*) the closingstock on each day.

(*ii*) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause, the burden of proving which shall be upon him.

(*iii*) Separate registers should be maintained for khandsari sugar.

4. The licensee shall submit to the licensing authority concerned a true return, in Form C, of the stocks, receipts and deliveries of each form of sugar every fortnight (1st to 13th and 16th to end of month), so as to reach him within five days after the close of the fortnight.

5. The licensee shall issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and licence number, the name, address, the licence Number (if any) of the customer, the date of transaction, the quantity sold, the price per quintal and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any other officer authorised by him in this behalf.

6. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by the State Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage sale or purchase of sugar and for the taking of samples of sugar for examination.

7. The licensee shall comply with any direction that may be given to him by the State Government or the licensing authority in regard to purchase, sale and storage for sale, of sugar and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4 or 5 shall be written and the authentication and maintenance of the register mentioned in paragraph 3.

8. This licence shall be attached to any application for renewal.

9. This licence shall be valid up to.....

Place..... ... Signature of the Officer,

Date..... Issuing the Licence.

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FORM-C

For use by a dealer.

(See *condition* 4 *of Form-B*).

Return of stocks, receipts and sales of sugar for the fortnight ending.....

Name.....

No. of licence .....

Address.....

Particulars of godowns where stock held and quantity in stock in each quality of sugar in stock in bags/quintals.

Particular of godowns	Quantity in stock bags/quintals	Remarks, if any.
1.		
2.		
3.		

1. Stock at the beginning of the fortnight.

(a) actually with the licence..... bags/quintals.

(b) pledged with any person or institution such as a bank or co-operative society ..... bags/quintals.

Total..... bags/quintals.

2. Quantity purchased during the fortnight

	Name of factory from whom purchased	Quantity (in bags/ quintals)
(i)		
(ii)		
(iii)		
(iv)		

Total .....

3. Quantity received out of quantity purchased

	From (name of factory)	Quantity (in bags/ quintals)	Date of purchase
(i)			
(ii)			
(iii)			
(iv)			

Total .....

4. Quantity sold.

(a) Quantity sold/and delivered/removed during the fortnight..... bags/quintals.

(b) Quantity sold but not yet delivered .....

Total sold.....bags/quintals

5. Stock at the end of the fortnight.

(a) Actually with the licensee	...	.....
(i) Unsold	...	.....
(ii) Sold but awaiting delivery	...	.....
(b) Pledged with any other person or institution such as a bank or a Co-operative Society	...	.....
Total	...	

To

1. Licensing authority,

District.....

Place .....

Date.....

Signature.

By Order and in the name of the Governor of Mysore,

P. NAGESHA RAO,

Under Secretary to Government,
Revenue Department (Food).